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U.S. DISTRICT COURT E.D.N.Y.

★ MAR 30 2012 ★

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

MICHAEL DOMINIC,

Plaintiff,

v.

JEAN-COSME DELALOYE,

Defendant.

CV 12 - 1551

Case No. _____

ORDER TO SHOW CAUSE FOR A
PRELIMINARY INJUNCTION AND
EXPEDITED DISCOVERY

GARAUFIS, J.

LEVY, M.J.

Upon consideration of the Plaintiff Michael Dominic's Complaint, Memorandum of Law in Support of Order To Show Cause for a Preliminary Injunction and Expedited Discovery, the accompanying Affidavits of Michael J. Dominic and S. Calvin Walden, and the exhibits attached thereto, it is hereby:

ORDERED that Defendant Jean-Cosme Delaloye SHOW CAUSE in this Court before the Honorable NICHOLAS G. GARAUFIS, United States District Judge, in Courtroom 4D of the United States Courthouse, 225 Cadman Plaza East, Brooklyn, in the City and State of New York, on April 6, 2012 at 2:30 P.M., or as soon thereafter as counsel may be heard, why an Order should not be issued pursuant to Rules 26(d)(1) and 65(a) of the Federal Rules of Civil Procedure to preserve the status quo pending trial in this matter and restraining and ordering Defendant Jean-Cosme Delaloye as follows:

- a. That Defendant Jean-Cosme Delaloye be restrained from appropriating, using, or copying Plaintiff Michael Dominic's work of art entitled "Clean Hands - Dominga" (U.S. Copyright Registration No. PAU003603472), in any way, including but not

- limited to: (i) disclosing or disseminating the movie trailer that appeared at <http://www.bymysidefilm.com/trailer.html> on March 16, 2012, and (ii) disclosing or disseminating the full-length 109-minute movie entitled By My Side; and
- b. That Defendant Jean-Cosme Delaloye produce the discovery requested in Plaintiff's Expedited Requests To Defendant Jean-Cosme Delaloye For Production Of Documents And Things within seven (7) days of service thereof; and
- c. That Defendant Jean-Cosme Delaloye appear for deposition within fourteen (14) days of service of Plaintiff's Expedited Notice of Deposition of Defendant Jean-Cosme Delaloye; and it is further

ORDERED that service in person or electronically or by overnight delivery of this Order and the papers upon which it is based on Defendant Jean-Cosme Delaloye or his attorney by no later than **5:00 P.M. on March 29, 2012** shall be deemed sufficient^{*} and it is further

ORDERED that answering papers, if any, shall be filed and served electronically upon Plaintiff Michael Dominic's attorneys, WilmerHale LLP, 399 Park Avenue, New York, NY 10022 attention nels.lippert@wilmerhale.com, calvin.walden@wilmerhale.com, and cosmin.maier@wilmerhale.com, on or before **5:00 P.M. on April 4, 2012**; and it is further

ORDERED that reply papers, if any, shall be filed and served electronically on Defendant Jean-Cosme Delaloye or his attorney on or before **5:00 P.M. on April 5, 2012**.

SO ORDERED.

** Plaintiff shall file proof of service and receipt of delivery (if any) with the Clerk of Court no later than April 3, 2012.*

Dated: March 29, 2012
2:50pm

s/Nicholas G. Garaufis

United States District Judge